IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24717 of 2004

Between:

Bakkamunthala Venkataramanaiah, S/o Subbaiah,
R/o Chennur Village, Dagadarthi Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore.
2 The Revenue Divisional Officer, Kavali.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a Writ of Mandamus Under Article 226 of Constitution of India declaring the action of the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dated 17-12-2004 filed against the orders of the 2nd respondent in his proceedings Rc.No. 2410/2004 dated 12-10-2004 served on the petitioner on13-12-2004 in respect of an extent Acs.3.96 cents in Survey No. 740-3 & 740-4 of Chennur Village, Dagardarthi Mandal, Nellore District pending the statutory appeal, the further action of the respondents 2 and 3 in seeking to dispossess the petitioner from the above said extent of land as illegal, arbitrary unjust and consequently suspend the orders of the 2nd respondent in his proceedings Rc.No. 2410/2004 dated 12-10-2004 pending the appeal before the first respondent.

Counsel for the Petitioner: Mr.P.SRIDHAR REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

In this writ petition, petitioner is challenging the order dated 12-10-2004 passed by the second respondent in R.C.No.2410/2004 in respect of Ac.4.08 cents of dry land comprised in Sy.Nos.738-1, 738-2 and Ac.3.96 cents in Survey Nos.740-3 and 740-4 situated in Chennur village, Dagadarthi Mandal, Nellore District. The impugned orders were passed by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioner already preferred an appeal before the first respondent under Section 5 of the Act, which is pending on the file of the first respondent and the respondents are trying to evict the petitioner without passing any orders on the appeal.

In the circumstances, the writ petition is disposed of directing the first respondent to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The Joint Collector, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore district.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore District.
4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.